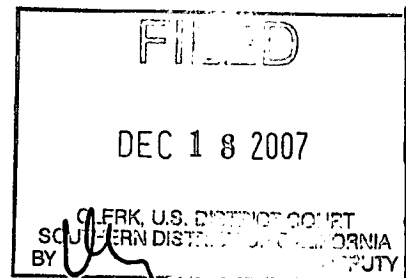


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 CR 3380-L

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE GUERRERO-AYALA (1),

Defendant.

Criminal Case No. 07MJ2800

DECLARATION OF JOSE GUERRERO-
AYALA (D1) EXONERATING
FRANCISCO GUERRERO-AYALA (D2)

DECLARATION

I, Jose Guerrero-Ayala, hereby declare as follows:

- On or about December 3, 2007, I knowingly and intentionally drove a grey 1994 Plymouth Voyager bearing Baja California, Mexico license plate number #BDE4893, from Mexico into the United States through the San Ysidro, California Port of Entry (POE).
- At the time the vehicle described above entered the United States through the San Ysidro POE, concealed within the vehicle was an undocumented alien, namely, Maria Azucena Valderrama-Gutierrez, who was concealed inside a compartment in the driver side panel of the vehicle, from which she could not free herself.
- At the time I knowingly and intentionally was the driver of the vehicle described above, which attempted to enter the United States through the San Ysidro POE, I knew that the above stated undocumented alien was concealed in the vehicle. I knew or acted in reckless

1 disregard that Maria Azucena Valderrama-Gutierrez had not received prior official
2 authorization to come to, enter or reside in the United States. I also failed to present Maria
3 Azucena Valderrama-Gutierrez, immediately upon arrival to an appropriate immigration
4 officer at the San Ysidro, California Port of Entry. In addition, I acted with the intention
5 of violating United States immigration laws.

6 4. At the time I knowingly and intentionally was the driver of the vehicle described above,
7 which entered into the United States through the San Ysidro POE, my co-defendant,
8 Francisco Guerrero-Ayala, was a passenger in the vehicle. Francisco Guerrero-Ayala had
9 no knowledge that the above stated undocumented alien, Maria Azucena Valderrama-
10 Gutierrez, was concealed within the vehicle.

11 5. I have informed the Government that I will plead guilty to a one count pre-indictment
12 Information charging me with Bringing In Illegal Aliens Without Presentation and Aiding
13 and Abetting, on or about December 3, 2007, within the Southern District of California, in
14 violation of 8 U.S.C. § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

15 6. If I do not plead guilty to the charge set forth above, for any reason, or thereafter withdraw
16 my guilty plea to that charge, I agree that in any proceeding, including, but not limited to,
17 motion hearings, trial, sentencing, appeal, or collateral attack, that the stipulated facts set
18 forth in paragraphs 1-5 shall be admitted as substantive evidence.

19 7. By signing this declaration, I certify that I have read it (or that it has been read to me in my
20 native language) and that I have discussed the terms of this declaration with defense
21 counsel and fully understand its meaning and effect.

22 I declare under penalty of perjury that the foregoing is true and correct.

23
24 Dated: 18/12/07

25 JOSE GUERRERO-AYALA
26
27
28